

an important bill. The question of preemption was prevalent throughout the testimony in the Transportation Committee. The proponents of this bill, I think, did an outstanding job in bringing the case for the need for these devices on trains, and they advanced the safety question. And I have to tell you, quite frankly, I think the committee did a very good job in committing to getting any justification why we absolutely advance the bill. First argument was, in my impression of their argument, was simply this is preempted by Federal law, you don't have the authority to do this, we have a lot of these devices already on our trains, they usually work, but we're not required to have them and, therefore, it's preempted by Federal law. Now I have to tell you that I think the bill was important enough, because of what was going on in Congress, that I supported the bill out of committee and said that we ought to advance it to the floor. But Senator Byars did ask for an Attorney General's Opinion and that Attorney General's Opinion, I think, is pretty clear and reaffirms former Attorney General's Opinions that, indeed, it is preempted, that the railroads, whether they argued good or bad, that their argument was probably correct, it's preempted. The state does not have the right to regulate the railroads in these areas. So, at that point, the issue becomes much more clouded, I think. Now the bill would be amended if we bring it to the floor, it would be amended to try and get around what the Attorney General's Opinion was, which I, you know, again, it may be a good idea but, again, an Attorney General's Opinion has been requested and I think, perhaps, it's important that before we advance a bill that we know, perhaps, to have some very serious legal questions to it, that we consider the facts and consider what we can do and we can't do, what our powers are and what our powers aren't, and consistently we have been told that we don't have authority in these areas. And even though I supported the bill in committee and supported advancing it, I... I guess I would come to the conclusion today that to pull this bill out of committee to attempt to then amend it so that it gets around what is already determined to be preempted doesn't make a lot of sense at this point on the floor of the Legislature at this date in our legislative process. And, therefore, I think, you know, we may need to come back in next year and look at these issues again and we may need to address these concerns because I think legitimate concerns exist out there and safety is a state issue as well as a federal issue. But I think we have to do it within the realm of our authority and to try and advance legislation that is clearly, at this point at least, appears not to be within our realm of authority.